

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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IN THE MATTER OF THE APPLICATION OF:

THE TRUSTEES OF THE BUILDING TRADES
ANNUITY FUND, EDUCATION FUND,
WELFARE FUND and the UNITED SERVICE
WORKERS SECURITY FUND,

Petitioner

-against-

NEW YORK ELECTRICAL GROUP, INC.,

Respondent

FOR AN ORDER CONFIRMING THE AWARD
OF EUGENE T. COUGHLIN,

Arbitrator

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APPEARANCES:

Barnes, Iaccarino & Shepherd, LLP

Attorneys for the petitioner

3 Surrey Lane

Hempstead, NY 11550

By: Danielle M. Carney, Esq., Of Counsel

NO APPEARANCE:

New York Electrical Group, Inc..

SPATT, District Judge.

On August 5, 2011, the petitioner commenced this action pursuant to the Labor Management Relations Act of 1974, 29 U.S.C. §185(a) ("LMRA"), and the United States Arbitration Act, 9 U.S.C. § 9, to confirm an arbitration award issued on October 29, 2010 in favor of the petitioner. The Clerk of Court having noted the default of respondent New York Electrical Group, Inc. on December 29, 2011, and on February 3, 2012, the Court referred this matter to United States Magistrate Judge E. Thomas Boyle for a recommendation as to whether the motion for a default judgment should be granted, and if so, whether damages should be awarded, including reasonable attorney's fees and costs.

On March 21, 2012, Judge Boyle issued a Report and Recommendation, recommending that the Court confirm the petitioner's arbitration award and that the petitioner be awarded the full amount of the arbitration award, \$73,366.35. In addition, Judge Boyle recommended that the Court award the petitioner \$525 in costs incurred in bringing this action. To date, there have been no objections filed to Judge Boyle's Report.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Boyle's Report and finds it to be persuasive and without any legal or factual errors.

There being no objection to Judge Boyle's Report, it is hereby

ORDERED, that Judge Boyle's Report and Recommendation is adopted in its entirety. The Court hereby confirms the petitioner's arbitration award and awards the petitioner the full amount of the arbitration award, \$73,366.35. In addition, the Court awards the petitioner \$525 in costs incurred in bringing this action, and it is further

ORDERED, that the Clerk of the Court is directed to enter judgment in favor of the petitioner in the total sum of \$73,891.35, and it is further

ORDERED, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
September 19, 2012

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge